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12 Attorney for JAVIER HERRERA-ARCIGA

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

JAVIER HERRERA-ARCIGA,

Defendant.

Case No. 3:17-cr-00013-HDM-WGC

**ORDER GRANTING
STIPULATION TO CONTINUE
SENTENCING HEARING
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED by and through RENE L. VALLADARES, Federal Public Defender and KATE BERRY, Assistant Federal Public Defender, counsel for JAVIER HERRERA-ARCIGA and NICHOLAS A. TRUTANICH, United States Attorney, and SUE FAHAM & ANDOLYN JOHNSON, Assistant United States Attorneys, counsel for the UNITED STATES OF AMERICA, that the Sentencing hearing set for February 4, 2020, at 9:00 AM, be vacated and continued to April 1, 2020, at 10:00 AM.

1 The continuance is necessary for the following reasons:

2 1. This is a joint request by counsel for the Government and counsel for the
3 Defendant, Mr. Herrera-Arciga.

4 2. The additional time requested by this Stipulation is reasonable pursuant to
5 Federal Rule of Criminal Procedure 32(b)(2), which states that the “court may, for good cause,
6 change any time limits prescribed in this rule.”

7 3. Both counsel request this additional time in order to allow adequate time to
8 research sentencing issues and to prepare for the sentencing hearing.

9 4. Mr. Herrera-Arciga is currently detained and agrees to the continuance.
10 Specifically, Mr. Herrera-Arciga was informed that the continuance will allow defense counsel
11 to continue to gather documents in support of the hearing and provide continuity of counsel.

12 5. This is the first request for continuance of the sentencing hearing.

13 DATED this 20th day of December, 2019.

14
15 RENE L. VALLADARES
16 Federal Public Defender

17 By: /s/ Kate Berry
18 KATE BERRY
19 Assistant Federal Public Defender
20 Counsel for Javier Herrera-Arciga

21 NICHOLAS A. TRUTANICH
22 United States Attorney

23 By: /s/ Sue Fahami
24 SUE FAHAMI
25 Assistant United States Attorney
26 Counsel for United States
 NICHOLAS A. TRUTANICH
 United States Attorney

27 By: /s/ Andolyn Johnson
28 ANDOLYN JOHNSON
29 Assistant United States Attorney
30 Counsel for United States

ORDER

Based on the Stipulation of counsel, and good cause appearing,

IT IS THEREFORE ORDERED that the Sentencing Hearing currently set for February 4, 2020, at 9:00 AM, be vacated and continued to **April 1, 2020, at 10:00 AM** in Reno Courtroom 4 before Judge Howard D. McKibben. **IT IS SO ORDERED.**

DATED this 30th day of December, 2019.

Howard D McKibbin

UNITED STATES DISTRICT JUDGE